generates present time data indicating a
present time; and

compares the period with the present time;
and

means for accessing said program.

12.    (ONCE AMENDED)    A computer-readable medium encoded
with a computer program which performs the following functions:

reads a period, stored on a disk, indicating a period
of time during which content on the disk can be served;

generates present time data indicating a present time;

compares the period with the present time; and

transforms a result of said comparison to data
reflecting that a user is allowed to utilize the content [allows
a user to use the content], when the present time falls within
the period.

Add new claim 15 as follows.

--15.    (NEW)    A method for ascertaining a sales period
exists, said method comprising:

reading a period stored on a medium indicating a
serving period of time;

generating present time data indicating a present time;
and

comparing the period stored on the medium with the
present time to judge whether said present time falls within the
sales period.

<div align="center">REMARKS</div>

**Introduction**

Reconsideration and allowance of the subject
application are respectfully requested.  Claims 1-14 are pending,

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with claims 1-8, 10, 13, and 14 being allowed, for which applicants thank the Examiner.  Only claims 9, 11, and 12 stand rejected.  Claim 9 and 12 have been amended above.

**The Section 112, Second Paragraph Rejection**

The rejection of claims 9 and 11 under 35 U.S.C. § 112, second paragraph is believed overcome by the amendments to claim 9 above.  Claim 9 now clearly recites elements of a storage device, including means for storing a content and means for accessing the program.  Thus, claim 9 complies with § 112, second paragraph and withdrawal of this rejection is respectfully requested.

**The Section 112, Paragraph 1 Rejection**

The rejection of claims 9 and 11 under 35 U.S.C. § 112, first paragraph is likewise overcome by the amendments above.  No longer can claim 9 be interpreted as a single means claim, which is not permitted under § 112, first paragraph.  In re Hyatt, 708 F.2d 712, 218 USPQ 195 (Fed. Cir 1983).  Claim 9 now recites means for storing as well as means for accessing, two distinct means.  Thus, the rejection of claims 9 and 11 under § 112, first paragraph is overcome and withdrawal of same is respectfully requested.

**The Section 101 Rejection of Claim 12**

The rejection of claim 12 under 35 U.S.C. § 101 as being drawn to a non-statutory class of invention is respectfully traversed.  As written, claim 12 is clearly a process within the ambit of § 101.  That is, claim 12 recites the steps of reading, generating, comparing, and transforming, although not written in the gerund, "--ing," form.   The computer program recited in the claim is clearly a member of the statutory class of processes, as recited in 35 U.S.C. § 101.  Thus, this claim should be examined

and, Applicants believe, should be found allowable over the prior art.

Moreover, claim 12 has been amended to not recite a computer program per se, but rather to recite a "computer-readable medium encoded with a computer program which performs the following functions."  Such a claim is now definitely statutory and examination thereof is respectfully requested.

**New Claim 15**

New claim 15 is also believed allowable over the prior art.  Such Notice is earnestly solicited.

**Conclusion**

As all rejections raised by the Examiner have been addressed and overcome, this application is in condition for allowance.  Such Notice is earnestly solicited.
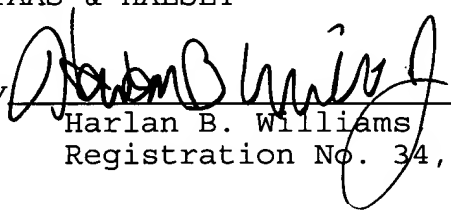
Should any issues remain unresolved, the Examiner is respectfully requested to contact the undersigned to expedite and complete prosecution.

Should any fees be required by the submission of this Amendment, please charge same to deposit account no. 19-3935.

Respectfully submitted,

STAAS & HALSEY

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